



General Assembly

**Substitute Bill No. 1050**

January Session, 2007

\* SB01050LABAPP031507 \*

**AN ACT CONCERNING RETIREMENT BENEFIT OPTIONS FOR SPOUSES OF CERTAIN DECEASED STATE EMPLOYEES AND VACATION LEAVE ACCRUAL FOR STATE EMPLOYEES IN ACTIVE SERVICE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-165a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) If a member who is continuing to accrue state service or who is  
4 on a leave authorized by the state, or otherwise granted pursuant to  
5 the terms of the appropriate collective bargaining agreement, dies after  
6 July 1, 1982, and (1) after completion of the age and service  
7 requirements for retirement under section 5-162, 5-163a, 5-173 or 5-188,  
8 or (2) completing twenty-five years of service, [his] such member's  
9 spouse, provided they have been lawfully married for at least the  
10 twelve months preceding [his] such member's death, shall receive a  
11 lifetime income in [an amount equal to fifty per cent of the average of]  
12 the amount payable to a contingent annuitant under subdivision (2) of  
13 subsection (a) of section 5-165, based on the retirement income that the  
14 member would have been entitled to if [he] such member had retired  
15 [the day he died had his benefits been paid under the option specified  
16 in subdivision (4) of subsection (a) of section 5-165 and the retirement  
17 income that the member would have been entitled to if he had retired

18 the day he died and had his benefit been paid under the option  
19 specified in subdivision (1) of said subsection] on the date of death,  
20 assuming the contingent annuitant was entitled to receive one  
21 hundred per cent of the reduced amount payable to the member. The  
22 first payment shall be made as of the first day of the month coincident  
23 with or, otherwise, next following [his] such member's date of death. If  
24 such member was not eligible to retire at the time of [his] such  
25 member's death, such benefit shall be calculated as if [he] such  
26 member had reached age fifty-five, but based on [his] such member's  
27 service and final average earnings at [his] the date of death.

28 (b) If a member who has terminated with at least twenty-five years  
29 of service or retired pursuant to section 5-162, 5-163a, 5-173 or 5-188,  
30 but whose benefits in either event are not yet being paid, dies prior to  
31 the commencing date of [his] such benefits, [his] such member's  
32 spouse, provided they have been lawfully married for at least the  
33 twelve months preceding [his] such member's death, shall receive a  
34 lifetime income [equal to fifty per cent of the average of] in the amount  
35 payable to a contingent annuitant under subdivision (2) of subsection  
36 (a) of section 5-165, based on the retirement income that the member  
37 would have been entitled to if [his] such member's benefits had  
38 commenced [the date he died had his benefit been paid under the  
39 option specified in said subdivision (4) and the retirement income that  
40 the member would have been entitled to with such benefits being paid  
41 under the option specified in said subdivision (1)] on the date of death,  
42 assuming the contingent annuitant was entitled to receive one  
43 hundred per cent of the reduced amount payable to the member. If  
44 such member was not eligible to retire at the time of [his] death, such  
45 benefit shall be calculated as if [he] such member had reached age  
46 fifty-five. The first payment shall be made as of the first day of the  
47 month coincident with or, otherwise, next following [his] the date of  
48 death.

49 (c) If a member who has completed the age and service  
50 requirements for retirement under section 5-162, 5-163a, 5-173 or 5-188,

51 and who has elected to receive [his] retirement benefits under  
52 subdivision (2) or (3) of subsection (a) of section 5-165, dies prior to the  
53 effective date of commencement of benefits but within ninety days  
54 after [he] such member first elects to receive [his] retirement benefits  
55 under subdivision (2) or (3) of said subsection (a), then [his] such  
56 member's beneficiary or contingent annuitant shall receive an income  
57 in an amount equal to the benefit that would have been payable to the  
58 survivor had the member retired [the day he died] on the date of death  
59 and had [his] such benefit been paid under the option [he had] such  
60 member elected at the time of [his] death. This subsection shall not  
61 apply after ninety days after the date the member first elects to receive  
62 [his benefit] benefits under subdivision (2) or (3) of subsection (a) of  
63 section 5-165. In the event that income payments to a surviving  
64 beneficiary or contingent annuitant are payable under this subsection,  
65 such payments shall be in lieu of payments under subsections (a) and  
66 (b) of this section.

67 Sec. 2. Section 5-192r of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective October 1, 2007*):

69 (a) If a member of tier II who is continuing to earn vesting service or  
70 who is on a leave authorized by the state or otherwise granted  
71 pursuant to the terms of the appropriate collective bargaining  
72 agreement, dies after either (1) completion of the age and service  
73 requirements for retirement under section 5-192l, 5-192m or 5-192n, or  
74 (2) completion of twenty-five years of vesting service, [his] such  
75 member's spouse, provided they have been lawfully married for at  
76 least the twelve months preceding [his] such member's death, shall  
77 receive a lifetime income in [an amount equal to fifty per cent of] the  
78 amount payable to a contingent annuitant under subdivision (2) of  
79 subsection (a) of section 5-192q, based on the retirement income that  
80 the member would have been entitled to if [he] such member had  
81 retired [the day he died, and had his benefit been paid under the  
82 option specified in subdivision (1) of subsection (a) of section 5-192q]  
83 on the date of death, assuming the contingent annuitant was entitled to

84 receive one hundred per cent of the reduced amount payable to the  
85 member. If such member was not eligible to retire at the time of [his]  
86 death, such benefit shall be calculated as if [he] such member had  
87 reached age fifty-five, but based on [his] such member's credited  
88 service and final average earnings at [his] the date of death. The first  
89 payment shall be made as of the first day of the month coincident with  
90 or, otherwise, next following [his] the date of death.

91 (b) If a member who has either terminated with at least twenty-five  
92 years of service or retired pursuant to section 5-192l, 5-192m or 5-192n,  
93 but whose benefits in either event are being deferred, dies prior to the  
94 commencement date of [his] such benefits, [his] such member's spouse,  
95 provided they have been lawfully married for at least the twelve  
96 months preceding [his] such member's death, shall receive a lifetime  
97 income [equal to fifty per cent of] in the amount payable to a  
98 contingent annuitant under subdivision (2) of subsection (a) of section  
99 5-192q, based on the retirement income that the member would have  
100 been entitled to if [his] such member's benefits had commenced [the  
101 day he died, with such benefits being paid under the option specified  
102 in subdivision (1) of subsection (a) of section 5-192q] on the date of  
103 death, assuming the contingent annuitant was entitled to receive one  
104 hundred per cent of the reduced amount payable to the member. If  
105 such member had not reached age fifty-five at the date of [his] death,  
106 such benefit shall be calculated as if [he] such member had reached age  
107 fifty-five. The first payment shall be made as of the first day of the  
108 month coincident with or, otherwise, next following [his] the date of  
109 death.

110 (c) If a member who has completed the age and service  
111 requirements for retirement under section 5-192l, 5-192m or 5-192n and  
112 who has elected to receive [his] retirement benefits under subdivision  
113 (2) or (3) of subsection (a) of section 5-192q, dies prior to the effective  
114 date of commencement of benefits but within ninety days after [he]  
115 such member first elects to receive [his] retirement benefits under  
116 either of said subdivisions, then [his] such member's beneficiary or

117 contingent annuitant shall receive an income in an amount equal to the  
118 benefit that would have been payable to the survivor had the member  
119 retired [the day he died] on the date of death and had [his] such  
120 member's benefit been paid under the option [he had] elected at the  
121 time of [his] death. This subsection shall not apply after ninety days  
122 after the date the member first elects to receive [his] such member's  
123 benefit under either of said subdivisions. In the event that income  
124 payments to a surviving beneficiary or contingent annuitant are  
125 payable under this subsection, such payments shall be in lieu of  
126 payments under subsections (a) and (b) of this section.

127 Sec. 3. Subsection (c) of section 5-259d of the general statutes is  
128 repealed and the following is substituted in lieu thereof (*Effective from*  
129 *passage*):

130 (c) Notwithstanding any provision of the general statutes or any  
131 public or special act, any state employee who is a member of the  
132 armed forces of any state or of any reserve component of the armed  
133 forces of the United States and who has been called to active service in  
134 the armed forces of any state or the United States for (1) Operation  
135 Enduring Freedom, (2) Operation Noble Eagle, (3) a related emergency  
136 operation or a military operation whose mission was substantially  
137 changed as a result of the attacks of September 11, 2001, or (4) federal  
138 action or state action authorized by the Governor in support of the  
139 federal Department of Homeland Security's Operation Liberty Shield,  
140 military operations that are authorized by the President of the United  
141 States that entail military action against Iraq, or federal action or state  
142 action authorized by the Governor to combat terrorism within the  
143 United States, shall continue to accrue all vacation and sick leave time  
144 to which the employee would be entitled if he or she had continued  
145 working in his or her state position during the time of such active  
146 service, and shall be entitled to a leave of absence with pay as  
147 provided in section 27-33 from the date on which the employee was  
148 called to active service. After the expiration of such leave of absence  
149 with pay, the state employee shall receive part pay for the duration of

150 such call-up to active service if the compensation received by the state  
 151 employee for such active service is less than the employee's base rate  
 152 of pay, plus longevity, in the employee's primary position. The state  
 153 employee shall not be required to exhaust accrued vacation or sick  
 154 time in order to be eligible for the paid leave of absence and part pay  
 155 under this subsection. If the accrual of vacation time under this  
 156 subsection by a state employee would exceed any maximum limit,  
 157 imposed by any provision of the general statutes or any collective  
 158 bargaining agreement, for the accrual of vacation time by a state  
 159 employee in such employee's position, such maximum limit shall be  
 160 temporarily waived and vacation time shall continue to accrue for the  
 161 duration of the employee's active service, except that no provision of  
 162 any collective bargaining agreement pertaining to the accrual of  
 163 vacation time shall be waived without the agreement of the  
 164 appropriate bargaining representative. The employee shall be  
 165 permitted to use any vacation time accrued in excess of the maximum  
 166 limit during the period between the conclusion of active service and  
 167 the employee's return to regular state employment.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	5-165a
Sec. 2	<i>October 1, 2007</i>	5-192r
Sec. 3	<i>from passage</i>	5-259d(c)

**LAB**      *Joint Favorable Subst. C/R*

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